

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

SB 813 - HB 1431

April 11, 2023

SUMMARY OF BILL AS AMENDED (006650): Increases the pay schedule for assistant district attorneys general, criminal investigators, assistant district public defenders, district investigators, and assistant post-conviction defenders who were hired on and after July 1, 1994.

Requires each pay schedule be adjusted by July 1, 2023 and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the *General Appropriations Act*.

Takes effect June 30, 2023.

FISCAL IMPACT OF BILL AS AMENDED:

Based on additional information submitted by the Office of the Post-Conviction Defender, the fiscal memorandum, issued on March 27, 2023, was determined to be in error and has been updated as follows:

(CORRECTED)

Increase State Expenditures – \$17,510,400/FY23-24 and Subsequent Years

Other Fiscal Impact – Additional state expenditures will be required in any year the *General Appropriations Act* includes a percentage pay increase for state employees. The extent and timing of any future increase in state expenditures cannot be quantified at this time.

Assumptions for the bill as amended:

- The proposed legislation changes the statutory pay schedule for assistant district attorneys under Tenn. Code Ann. § 8-7-226 as follows:

	Current	Proposed
Entry level	\$53,388	\$63,853
after one (1) year	56,748	67,868
after two (2) years	60,084	71,857
after three (3) years	63,480	75,928

after four (4) years	66,840	79,943
after five (5) years	70,164	83,918
after six (6) years	73,524	87,934
after seven (7) years	76,908	91,977
after eight (8) years	80,292	96,034
after nine (9) years	83,616	100,009
after ten (10) years	86,988	104,038
after eleven (11) years	90,348	108,054
after twelve (12) years	93,648	112,001
after thirteen (13) years	97,008	116,017
after fourteen (14) years	100,356	120,032
after fifteen (15) years	103,692	124,021
after sixteen (16) years	107,064	128,050
after seventeen (17) years	110,100	131,680
after eighteen (18) years	113,064	135,226
after nineteen (19) years	115,896	138,607
after twenty (20) years	118,584	141,823
after twenty-one (21) years	122,496	146,501
after twenty-two (22) years	126,528	151,331
after twenty-three (23) years	130,680	156,299
after twenty-four (24) years	135,312	161,833
after twenty-five (25) years	139,908	167,325

- Data from the District Attorneys General Conference indicates that the new schedule will apply to 506 current assistant district attorneys.
- For the sake of brevity, calculations have been omitted from this fiscal note, but are available upon request from Fiscal Review Committee staff.
- The total recurring increase in state expenditures associated with the new pay schedule for assistant district attorneys general is estimated to be \$11,101,759 in FY23-24 and subsequent years.
- The proposed legislation changes the statutory pay schedule for criminal investigators under Tenn. Code Ann. § 8-7-230 as follows:

	Current	Proposed
Entry level	\$33,852	\$43,180
after two (2) years	36,924	46,471
after four (4) years	39,972	48,944
after six (6) years	43,032	52,444
after eight (8) years	46,164	55,982

after ten (10) years	49,188	59,276
after twelve (12) years	52,320	62,963
after fourteen (14) years	55,332	66,196
after sixteen (16) years	58,428	69,822
after eighteen (18) years	61,512	76,428
after twenty (20) years	64,584	80,532

- Data from the DAGC indicates that the new schedule will apply to 57 current criminal investigators and 25 vacant criminal investigator positions.
- For the sake of brevity, calculations have been omitted from this fiscal note, but are available upon request from Fiscal Review Committee staff.
- The total recurring increase in state expenditures associated with the new pay schedule for criminal investigators is estimated to be \$581,191 in FY23-24 and subsequent years.
- The proposed legislation changes the statutory pay schedule for all full-time assistant district public defender under Tenn. Code Ann. § 8-14-107(b)(1) as follows:

	Current	Proposed
Entry level	\$53,388	\$63,853
after one (1) year	56,748	67,868
after two (2) years	60,084	71,857
after three (3) years	63,480	75,928
after four (4) years	66,840	79,943
after five (5) years	70,164	83,918
after six (6) years	73,524	87,934
after seven (7) years	76,908	91,977
after eight (8) years	80,292	96,034
after nine (9) years	83,616	100,009
after ten (10) years	86,988	104,038
after eleven (11) years	90,348	108,054
after twelve (12) years	93,648	112,001
after thirteen (13) years	97,008	116,017
after fourteen (14) years	100,356	120,032
after fifteen (15) years	103,692	124,021
after sixteen (16) years	107,064	128,050
after seventeen (17) years	110,100	131,680
after eighteen (18) years	113,064	135,226
after nineteen (19) years	115,896	138,607
after twenty (20) years	118,584	141,823
after twenty-one (21) years	122,496	146,501

after twenty-two (22) years	126,528	151,331
after twenty-three (23) years	130,680	156,299
after twenty-four (24) years	135,312	161,833
after twenty-five (25) years	139,908	167,325

- Data from Public Defenders Conference (PDC) indicates that the new schedule will apply to 253 full time assistant district public defenders.
- For the sake of brevity, calculations have been omitted from this fiscal note, but are available upon request from Fiscal Review Committee staff.
- The total recurring increase in state expenditures associated with the new pay schedule for assistant district public defenders is estimated to be \$5,426,174 in FY23-24 and subsequent years.
- Pursuant to Tenn. Code Ann. § 40-30-209(b), full-time assistant post-conviction defenders shall be compensated in an amount set by the post-conviction defender in compliance with the assistant public defender's pay schedule and shall be paid from funds appropriated for that purpose.
- Data from Office of the Post-Conviction Defender indicates that the new schedule will apply to eight full time assistant post-conviction defenders.
- For the sake of brevity, calculations have been omitted from this fiscal note, but are available upon request from Fiscal Review Committee staff.
- The total recurring increase in state expenditures associated with the new pay schedule for assistant post-conviction defenders is estimated to be \$183,110 in FY23-24 and subsequent years.
- The proposed legislation changes the statutory pay schedule for all full-time district investigator under Tenn. Code Ann. § 8-14-107(c)(1) as follows:

	Current	Proposed
Entry level	\$33,852	\$43,180
after two (2) years	36,924	46,471
after four (4) years	39,972	48,944
after six (6) years	43,032	52,444
after eight (8) years	46,164	55,982
after ten (10) years	49,188	59,276
after twelve (12) years	52,320	62,963
after fourteen (14) years	55,332	66,196
after sixteen (16) years	58,428	69,822
after eighteen (18) years	61,512	76,428
after twenty (20) years	64,584	80,532

- Data from the PDC indicates that the new schedule will apply to 33 district investigators.
- For the sake of brevity, calculations have been omitted from this fiscal note, but are available upon request from Fiscal Review Committee staff.
- The total recurring increase in state expenditures associated with the new pay schedule for district investigators is estimated to be \$218,142 in FY23-24 and subsequent years.

- The total recurring increase in state expenditures is estimated to \$17,510,376 (\$11,101,759 + \$581,191 + \$5,426,174 + \$183,110 + \$218,142) in FY23-24 and subsequent years.
- Additional state expenditures will be required in any year the *General Appropriations Act* includes a percentage pay increase for state employees. The extent and timing of any future increase in state expenditures cannot be quantified at this time.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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